

# Notice of Allowability

Application No.

10/068,826

Applicant(s)

GAVRONSKY, STAS

Examiner

Carl H. Layno 2/21/2004

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper No. 02/11/2002.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 11 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/11/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Acknowledgment is made of applicant's Information Disclosure Statement (PTO-1449) which was received by the Office on February 11, 2002.

### ***Drawings***

2. Applicant's drawings, submitted on February 11, 2002, have been objected to by the Draftsperson. See the attached PTO-948.

### ***Specification***

3. The Abstract has been modified to meet the 150 word limit as set forth in rule 37 CFR 1.72(b). See the attached Examiner's Amendment below.

### ***Allowable Subject Matter***

4. Claims 1-19 are allowed.
5. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Examiner's Amendment***

6. The application has been amended as follows:

-Change the Abstract to read as follows:

“

**Abstract**

A specially designed electrode and lead wire are used in an electro-acupuncture procedure to supply electric pulses to a patient's skin via electro-acupuncture needles. The electrode and lead wire are intended for use with a standard electric pulse generator. The electrode consists of a fin made of a thin metal plate or foil, has a substantially rectangular or triangular shape, and possesses rigidity in the direction of the acupuncture needle. The corners of the rectangular to triangular electrode can be rounded. The plate-like electrode has a hole on one edge for connection of a lead wire from the electric pulse generator and a thickened portion on the other edge with a blind hole for insertion of the acupuncture needle. This hole can be closed with a cap, which prevents sliding of the electrode towards the users skin and can be used for pushing the needle for manual stimulation. The electrode and needle are configured for reduced weight yet are strong enough to prevent deformation by heavy alligator clamps.”

***Reasons for Allowance***

7. The following is an examiner's statement of reasons for allowance:

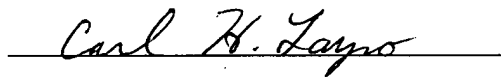
Independent claim 1 describes an electro-acupuncture device having the unique combination of an acupuncture needle, a lead wire, and a flat thin-walled electrode having “at least one opening” passing through it as well as a “blind opening” having a diameter wide enough to accommodate the handle of the acupuncture needle. Although needle electrodes for electro-acupuncture are well known in the prior art (e.g. Benja-Athon '547, '968, '453), none exhibit all of applicant's claimed features. Particularly absent from the prior art is applicant's claimed “at least one opening”. The prior art references of Woo '053 and Yoo '710 recite details of acupuncture needles having many of applicant's claimed features but missing this “at least one

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opening". Consequently, the Examiner deems independent claim 1 and its depending claims to be allowable over the prior art of record.

All claims having been allowed, **corrected formal drawings are now required.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A handwritten signature in cursive script, reading "Carl H. Layno", is written over a horizontal line.

CARL LAYNO  
PRIMARY EXAMINER

CHL  
9/20/2004